

## Legal Notice

# If Your Farm Produced Grade A Milk In the Southeast Since 2001

## You Could Get Money from a Class Action Settlement

A \$140 million settlement with Dean Foods Company ("Dean") has been reached in a class action lawsuit involving the price of raw Grade A milk that was produced and sold in the Southeast. The litigation is continuing against the other Defendants: National Dairy Holdings LP ("NDH"), Dairy Farmers of America, Inc. ("DFA"), Dairy Marketing Services, LLC ("DMS"), Mid-Am Capital, LLC ("Mid-Am"), Southern Marketing Agency ("SMA"), Gary Hanman, and James Baird. If approved by the Court, the settlement will provide payments to dairy farmers who submit valid claim forms and you may be eligible.

### What Is the Case About?

The lawsuit claims that Dean, the other Defendants, and their alleged co-conspirators violated federal antitrust laws and that as a result the prices paid to dairy farmers in Federal Milk Market Orders 5 and 7 ("Southeast") were lower than they otherwise would have been. Dean and the other Defendants deny that they did anything wrong. Orders 5 and 7 cover Alabama, Arkansas, Georgia, Kentucky, Mississippi, Louisiana, North Carolina, South Carolina, and Tennessee, as well as parts of Florida, Indiana, Missouri, Virginia, and West Virginia. Alleged Co-Conspirators are: Dairy.com, Inc., The Kroger Co., Prairie Farms Dairy, Inc., Robert W. Allen, Jay Bryant, Herman Brubaker, Gregg L. Engles, Michael J. McCloskey, Allen A. Meyer, Pete Schenkel, and Gerald Bos.

### Who Is Included in the Class?

In general, all dairy farmers, whether individuals, entities, or members of cooperatives, who produced raw Grade A milk in Order 5 or in Order 7 and sold that milk directly or through an agent to Defendants or alleged co-conspirators at any time from January 1, 2001, through the present are members of the Class.

### What If I Already Asked to be Excluded from the Class?

If you previously elected to be excluded from, or "opted out" of, the Class, you may ask the Court to reinstate you to the Class. Your application to the Court must contain the reasons for seeking reinstatement and must be filed with the Court by **Month 00, 2011.** **If you ask the Court to reinstate you to the Class, you may or may not be given an opportunity to opt out of the proceedings against the remaining Defendants.**

### What Does the Settlement Provide?

Dean has agreed to pay \$60 million into a Settlement Fund shortly after the settlement receives preliminary approval from the Court. Dean will also pay up to \$20 million into the Settlement Fund shortly after each of the first, second, third, and fourth anniversaries of the Court's final approval of the settlement. After deducting attorneys' fees, costs, and other fees and expenses, the net Settlement Fund will be distributed to Class Members who file valid claims.

### How to Get a Payment?

You must submit a Claim Form to get a payment. You can get a Claim Form at [www.SoutheastDairyClass.com](http://www.SoutheastDairyClass.com) or by calling 1-800-874-2297. The deadline to submit a Claim Form is **Month 00, 2011.** The amount of money you may receive cannot be calculated at this time. It will depend on the amount of raw Grade A milk you produced in Order 5 and Order 7 which was sold to Defendants and alleged Co-Conspirators in Order 5 and/or Order 7 from January 1,

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2001 to the present as well as the number of valid claims that are received, and the fees, costs and expenses the Court approves. We don't know how many people will file claims. However, if 7,000 dairy farmers file a valid claim, the **average total payment** per farmer is estimated to be approximately \$13,000. Your payments could add up to be more or less than \$13,000 depending on the amount of raw Grade A milk you produced in Order 5 or Order 7 and sold to Defendants and alleged Co-Conspirators in Order 5 and/or Order 7.

**What Else You Should Know.**

If you are a Class Member and do nothing, you will be legally bound by the Settlement, your rights will be affected and you will not be able to sue Dean for any claim relating to the lawsuit. If you object to the Settlement, you must submit your objections by **Month 00, 2011**. The Court will hold a hearing on **Month 00, 2011** to consider whether to approve the Settlement and a request by the Class lawyers for up to one-third of the settlement amount in attorneys' fees, plus costs, expenses, and incentive fees for the dairy farmers who brought the lawsuit. You do not need to attend the hearing. If you wish, you or your own lawyer may ask to appear and speak at the hearing at your own cost.

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